

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

GUERRIER CANTAVE,

Defendant.

Criminal Action No. **14-CR-41 (DNH)**

**STIPULATION AND ORDER
FOR CONTINUANCE**

Daniel DeMaria, Esq., the attorney for **GUERRIER CANTAVE**, having moved for a continuance of forty-five (45) days within which the defense may prepare motions, analyze discovery, explore plea negotiations, and prepare for trial in the above-captioned action, and Richard S. Hartunian, United States Attorney for the Northern District of New York (Wayne A. Myers, Assistant United States Attorney, appearing) having consented to the continuance and proposed the exclusion of the forty-five-day period under the Speedy Trial Act, pursuant to 18 U.S.C. § 3161(h)(7)(A), the parties hereby stipulate and agree as follows:

1. The prior proceedings in this case occurred as follows:
 - a. Date of last arraignment: **Defendant's waiver of appearance approved 2/4/2014**
 - b. Date of indictment: **1/30/2014**
 - c. Defendant's custody status: **Released on conditions**
2. The Court previously ordered the following exclusions under the Speedy Trial Act:
 - a. **3/06/2014-5/04/2014; 7/28/2014 – 9/26/2014**
3. The defendant has requested the continuance based on the following facts and circumstances:

a. The requested continuance allows for the reasonable time necessary for counsel to confer with the government to pursue the negotiation of a disposition of the charges against the defendant, prepare for trial, and/or research and file motions.

4. The parties stipulate and agree that the ends of justice served by granting this continuance outweigh the best interests of the public and the defendant in a speedy trial because:

a. The requested continuance allows for the reasonable time necessary for counsel to pursue the negotiation of a disposition of the charges against the defendant, review and complete discovery, and/or file motions. The nature of the investigation, and the need for the defense to review the discovery, to conduct its own investigation, and to explore plea discussions, make it unreasonable to expect the defense to submit motions and be prepared to defend the case on the current schedule, taking into account the exercise of due diligence.

5. The parties stipulate and agree that a period of forty-five (45) days beginning on and including the date on which the Court signs the requested order shall be excludable under the Speedy Trial Act pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and 3161(h)(7)(B)(iv).

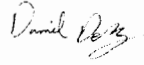
The undersigned attorneys affirm under penalty of perjury the accuracy of the facts set forth above and apply for and consent to the proposed order set forth below.

Richard S. Hartunian
United States Attorney

Dated: September 17, 2014

By: /s/ Wayne A. Myers
WAYNE A. MYERS
Assistant U.S. Attorney

Dated: September 18, 2014

By: 
Digitally signed by Daniel DeMaria
DN: cn=Daniel DeMaria,
o=Merchant Law Group LLP, ou,
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Date: 2014.09.18 13:42:27 -0400
DANIEL DEMARIA
Attorney for GUERRIER CANTAVE

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[PROPOSED] ORDER

1. The Court incorporates into this Order the stipulated facts set forth above and hereby adopts them as findings.

2. The Court has considered its obligation under 18 U.S.C. § 3161(h)(7)(A) to determine whether a continuance serves the ends of justice in a manner that outweighs both the public interest and the defendant's rights. The Court finds that pursuant to 18 U.S.C. § 3161(h)(7)(A), the ends of justice served by granting the requested continuance outweigh the best interests of the public and the defendant in a speedy trial because:

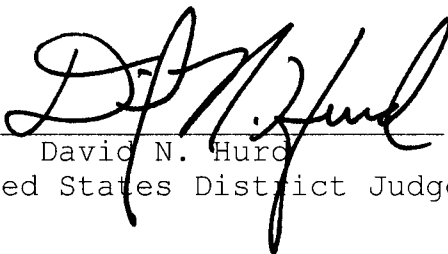
a. This delay is necessary in order to allow the parties the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. **BASED ON THE STIPULATED FACTS AND THE COURT'S RELATED FINDINGS IT IS HEREBY ORDERED:**

i. A period of 45 days, beginning on and including the date of this Order shall be excludable in computing time under the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(7)(A) and (h)(7)(B)(iv) in order to give the parties the reasonable time necessary for effective preparation.

ii. The deadline for the completion of discovery by the United States (otherwise due within 14 days of arraignment pursuant to the terms of the Local Rules of Criminal Procedure and the Criminal Pretrial Order) will be extended by 45 days to November 2, 2014. The deadline for the completion of reciprocal discovery by the Defendant(s) (otherwise due within 21 days of arraignment pursuant to the terms of the Local Rules of Criminal Procedure and the Criminal Pretrial Order) will be extended by 60 days to November 17, 2014.

iii. Any pretrial motions in this case shall be filed on or before October 3, 2014 and shall be made returnable on October 24, 2014.

iv. The trial in this matter shall begin on November 3, 2014 before United States District Judge Hurd in Utica, New York or, in the alternative, a change of plea shall be entered on or before Upon request of counsel.



David N. Hurd
United States District Judge

Date: September 18, 2014